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THE FORREST DIVORCE CASE.

Summing up on Part of the Defendant.

Superior Court.

Before Chief Justice Oakley.

CATHAMME R. FORREST YS. ENWIN FORREST.

TWENTY-EIGHTH DAY.

JAN. 20.—Mr. Forrest was early in attendance. Mrs.

Forrest and Mrs. N. P. Willis were also in Court, but feft beforeMr. Van Buren commenced his summing up.

The Ohief Justice asked if there was anything to offer on the subject of alimony.

Mr. O'Comor said he was confirmed in the opinion he had advanced yesterday.

Mr. Van Buren simply objected to the introduction of the testimony.

The Ohief Justice said it was desirable to avoid the necessity of going over the proceedings again. This matter was formerly referred to a proper efficer, and his decision was under the supervision of the Chancellor. But they were now constantly getting into difficulty, growing out of this new system. As the admission of the testimony could have no effect on the verdict, he would let it in.

Mr. Whitley was then recalled for the fourth time and examined by Mr. O'Comor, deposed.—I am acquainted with Mr. Forrest; I have a general knowledge of his resiculation.

Q —What is the reasonable value of those six houses

with Mr. Forrest; I have a general knowledge of his real cotate.

Q — What is the reasonable value of those six houses and lots in Twenty-second street? A — I should suppose from the value of houses up town, that they were worth \$6,000 or \$7,000; I should suppose the lot occupied by himself to be worth from \$18,000 to \$20,000; the fair reasonable value of the Fonthit property, would be from \$50,000 to \$60,600; I occupied part of Mr. Forrest's Covington property in Ohio; that property has two kinds of value; I should suppose Mr. Forrest would make a very bad bargain if he were to sell it for \$25,000; Mr. Forrest owns some lots in the Main street of Chelmati—some six or seven lots; my recollection of it as it is four years ago since I was there, is very imperfect; I should say it is worth from \$15,000 to \$20,000; I am not acquainted with his Michigan property, nor with his personal property.

Chief Jestice I would mantle that this testimony.

with his Michigan property, nor with his personal property.

Chief Jeatice I would mention that this testimony coincides with Mr Forrest's own estimate of his property chross-examined—I knew nothing about his income from Fonthill Q...What was the income of the dovington property while you lived there? A...The rent paid was my services on the centact; I brought him in debt to me; I left because Mr Forrest failed to complate his contract, he paid me \$500; the contract was cancelled by mutual agreement; Mr. Forrest commenced legal proceedings against me and the contract was cancelled by mutual agreement; I have not been pretty active in this case; I sm an Englishman.

Mr. Longstret recalled—Deposed, that as near as he could come at the time he found that the painters were at work for nearly three weeks after Mrs. Forrest went in the bouse in Sixteenth street.

The evidence here closed.

MR. VAN BUREN'S SPEECH.

were at work for nearly three weeks after Mrs. Forrest went in the boose in Sixteenth street.

The evidence here closed.

MR. Van Buren's spench.

Mr. Van Buren's spench. an ordinary character—that it was not an attention even of the usual kind—that it was an evenners of temper extracrdinary in cay man. I think, under all circumstances—I think you will be prepared to soncede. Such being his conduct—such being the relation of the parties, he put his wife away. In respect to that there is no dispute. She assented to betes put away. In respect to that, I think you will admit, from the evidence, there can be no reasonable dispute. That he never had any difference with a human being, except you regard the professional contest between Mr. Marcady and Ar. For rest as such a difference—that he never had any difference with a human being except this woman to whom he was so foud and devoted, I believe the testimony in this case meat estistantorily shows. He put her away—brought her to the house where she desired to go, to the bouse of Mrs. Godwin. She was invited to Mrs. Godwin's, as a gentleman swears, by her. She was taken there as the testimony shows, at her own request, by Mr. Forrest. After having done so, a few montas before, he was entirely silent as to the cause which had led to the separation; and that silence is now used as an argument agricultural states of the same which had led to the separation; and that silence is now used as an argument agricultural states of the same speciale, when this separation took plase, he allowed his wife the liberal sum of fifteen hundred dollars a year; and it is argued that this was an evidence that he had no faith in the charges made against her. Gentlemen of the jury, you will not fail to remember that, up to this moment, he is doing precisely the same to this contention on the subject And while we hid vance—that now, at all events, and if you pleas, is all mitted. And there is no question of it, every body will concede, if the evidence authorized you and me to come of his work. The separation between himself and his wife heal before the separation between himself and his wife heal being an old that the facts of the separation tetween himself

diswest to be read in ortifence, but by showing it to his connectionable to the collected that enberguestly to the connectionable to the collected that enberguestly to the connectionable to properly sented to the r. On the why of release, the collected that enberguestly and the state of the third which it may appear make the property sented to the r. On the why of release to the third which it may appear make the property sented to the r. On the why of release the third was an expensive to the read of the collected in property sented to the r. On the why of release the release to the release the release to the rel

changing him with an aitempt to ravish her, and carry her away by force and enjoining him from coming to her house, or any place where she was; also proceeding against him in the abape of a me creat to prevent him from leaving the State at all; and all those warious proceedings were brought down upon him in the summer of 1830, by virtue of the authority of the Courts of the State. Now, what was the history of this case as we have shown it to you. Why, the anit brought for divorce, on the ground of adulters, on the coming on of the answer, was abandoned by the plaintiff, as you will recollect, and the costs paid. This was the disposition of the suit in the Supreme Court. The writ of ne event against him was set aside by the Court; the injunction to restrain him from alienating his property was set aside by the Court. This first vexitious suit, therefore, was abandoned, and the costs paid. These proceedings to restrain his libestly, and control him in the disposition of his property and personal movements, all of which were of aimed about the same time were all set asige by the Court, and the only remaining injunction, the restrain tupen his proceedings in Pennsylvania, was retained by the judge who issued it; (and, almost in every instense, these processay were at aside by the very judges who issued them). That only was retained, and an appeal was taken to the Supreme Court which has thy yet been argued. This present suit was the third and final proceeding against Mr. Forrest graving out of the transactions to which I have adverted—a suit taking the place, to some extent, which was originally provided for a divorce—complaining of his adultery, charging him with the commission of a great number of offences of this description, to the particulars of which I shall call your attention in a few moments. To this suit we put in an answer in which we deny this charge and in which we retrieve the former of the pleading to which I have last adverted, you are called upon to try. And, gentlemen of the jury, in deing of the

the plaintiff in this action, has committed adulter, as in the complaint in this action charged, be endly, whether the soid plaintiff and the said decedent were both inhabitants of this State at the time of the commission of such adultery by the said defend at. Thirdly whether such adultery was committed by said detendant within this State. Fourthly, whether, at the time of the commission of such adultery by the said acted at the time of the commission of such adultery by the said acted at within this State, and also at the time of the commission of this sation, the said highliff was an actual inhabitant of this State, if do not say that the last question becomes particularly important on the trial of this case. The plaintiff, or accordedly, was an inhabitant of this State at the commission of the statute to which reference may be made. The second revised statutes—page 14—provides that whatever may be the residence of the husband, in acase of solutery, the wife has a right to file a cell in her own name where the righted party is actually at this State, and where the righted party is actually at the state of the State is the courte of the state of the State is the courte of the State is the said the plaintiff or dispute between us in respect to the applicability of the statistic to this case, that the courte of this state have jurisdiction in this offence, and test the plaintiff is in a condition to invoke that jurisdiction, when at the time of the commencement of this state is the defendant was resident in the State of New York. But this is a question beyond the critical accordance to both parties, whether the continues to be present on the state of New York. It will only mention to you what I supprese to be the question on which you are to pass, and in reserve the time of the commencement of this action, the defendant was resident in the State of New York. It will not you what I supprese to be the question on which you are to pass, and in reserve the time of the commencement of the action of which is represen

In we have no other homes this is my hour, and that we so from that time to this, his then remained there for several weeks, and lived there in a norm provided and made comfortable for him; but relating a large trepetty he had here, he was always obliged to visit here, and took after it, but never giving up the residence in Philade-phia. Now, in opposition to that they show a visiting here; there is no doubt about thu; this litigation, as shown in the propers of this trial, made it necessary to him to be hore, he was arrested here; was amisuanced to stay here implies of time together, and he has had diligation for the last eighteen more he, which they admit. Everybody knows when the first motion is regard to it was made, and this of course, accounts for the necessity of his being here. Again, a deed-a mustage—was introduced which showed that in Adaust. 1839, some corriverer drew a northern and described him, as "of New York," and without any evidence, or whether his attention was called to rut at ill, which it probably here my, there is no evidence that it was when he executed the mortgage deed; he voted in November, 1839, after he had left Philadelphis; that appears in the testimony; he unquestionably had no light to vote their; and if a man could escapish a residence by a vote, it was a very easy matter to fix the residence of the party; they made a mistake in allowing him to vote on the ground of holding property and without reference to residence—without testing questioned, and without having has attention called to it; he, therefore voted when he had no right to do so. That is the cheum lance on which they rely. We deep that he removed from Pulandelphia in June, 1849, But goulienen of the jury, the acquiry in this case is -had Mr Forrest returned from Pennsylvania in November, 1850. Well now in reference to that, I am really at a loss to see now there can be two opin he upon the estimatory in this case. In February 1840, he makes application to the degletaure of Pennsylvania for a Giverce, and in that a pa

in the State of Pennsylvatin—has there upon the soil, solemnly swears that he in resident in the State, and has been no since about December, 1820. I shall read mow form a printed book, page 7, of the petition of Mr. Forrest. There is a mistake in the petition in reference to the case of the change of residence. It says—"he memoral at the undersaged respectfully shown—7h is contremental beautiful and respectfully shown—7h is contremental beautiful and respectively and in the case of the change of residence. It says—"he mist have been early the same of the undersaged respectfully shown—7h is contremental to the case of the change of residence in the case of the change of residence in the case of Philadelphia. And wown mean raint fur her shown, that be is now a residence of Philadelphia. In the State of Pennsylvania but that fe has not resided one was within this State, and previous to this application. That is readen. Earlied, in the case 1827, on the 23d signs, he mearied Castastine Fit chart that they have live or their in matrimory until Januars. 19, that there is no it things rigilled the duties of the safe constant him to appeal to care hourst libraries as it things rigilled the duties of the safe constant him to appeal to care hourst libraries as it is the case of the safe constant in the safe and to care hourst libraries and feeting, and the outer impossibility of happing to each one of the case of the ca

And surpey and who had acceptance seem cultude. And surpeys and who and seem constitued the Flowers, it the sity of New York and also in New Flowers, it the sity of New York and also in New Flowers, in the sity of New York and also in New Flowers, and the St. New Perpey, and also in Pulladed sits in the Same of Flowers death of New York, and the way of Samenber, one thousand each bringed and sity of January, and thousand eight housand also that he day of Samenber, one thousand eight housand said the property of Samenber, one thousand and shifty eight, and fish day of Samenber, one thousand and shifty eight, and fish day of Samenber, one thousand and shifty eight, and carbon for said said said from the read of the said said in the said said in the said said the said said in the said said the said said in the said said the said said

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